

# EXHIBIT B

**North, Geoffrey A**

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**From:** Todd E. Duffy <tduffy@duffyamedeo.com>  
**Sent:** Thursday, December 13, 2018 8:44 PM  
**To:** Warshavsky, Oren J.  
**Cc:** Douglas A. Amedeo; Longstaff, Carrie; North, Geoffrey A; Shapiro, Peter B.; Christian Hausmaninger (christian.hausmaninger@hbw.at)  
**Subject:** Re: [1] Follow-up on Media

Oren. We would like to participate in that. Thanks. Todd

Sent from my iPad

On Dec 13, 2018, at 6:21 PM, Warshavsky, Oren J. <[owarshavsky@bakerlaw.com](mailto:owarshavsky@bakerlaw.com)> wrote:

Dear Todd,

I apologize for a second email so soon on the related media matter.

We intend to make a filing to obtain testimonial evidence in Austria from Project Partners and Steurer CC.

Our understanding is that Austrian does not allow for cross examination. You should check this with Christian, of course. Thus, to the extent that Alpha Prime wants to take testimony from those witnesses, or wants to have an opportunity to question those witnesses, it would make sense for us to coordinate our requests so that the Judge may issue a single order to the Austrian Central Authority. We'd like to make the filing soon (i.e. before the holidays), so please let us know if Alpha Prime seeks to participate in questioning those witnesses and/or obtain such testimony.

Thanks.

Best wishes,

Oren

**Oren Warshavsky | BakerHostetler**

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T 212.589.4624 | F 212.589.4201 | M 646.761.2992  
[owarshavsky@bakerlaw.com](mailto:owarshavsky@bakerlaw.com)

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**From:** Warshavsky, Oren J.  
**Sent:** Wednesday, December 12, 2018 10:19 PM  
**To:** 'Todd E. Duffy' <tduffy@duffyamedeo.com>; Douglas A. Amedeo <damedeo@duffyamedeo.com>  
**Cc:** Longstaff, Carrie <[clongstaff@bakerlaw.com](mailto:clongstaff@bakerlaw.com)>; North, Geoffrey A <[gnorth@bakerlaw.com](mailto:gnorth@bakerlaw.com)>; Shapiro,

Peter B. <[pshapiro@bakerlaw.com](mailto:pshapiro@bakerlaw.com)>; Christian Hausmaninger ([christian.hausmaninger@hhw.at](mailto:christian.hausmaninger@hhw.at))  
<[christian.hausmaninger@hhw.at](mailto:christian.hausmaninger@hhw.at)>

**Subject:** RE: [1] Follow-up on Media

Dear Todd,

Thank you for your email. We will agree to February 6, 2019 for the deposition on the document and ESI issues.

Due to the timing of this deposition, as well as the various discovery issues we have encountered over the past several months, it is clear that we need to move the expert deadlines back. As you know, the current deadline for serving Rule 26(a)(2) expert disclosures is March 5, 2019. The discovery arbitration, newly discovered issues regarding the Alpha Prime vendors and server information, and the need for a Rule 30(b)(6) deposition on document and ESI issues have slowed us down and prevented the Trustee from moving forward with other discovery. We would therefore suggest pushing back the expert disclosure until 30 days after the close of fact discovery. We are still aiming to complete fact discovery in accordance with the currently scheduled date. It's unclear if experts will be required in this case (as we believe the parties agree on the existence of the Ponzi scheme and how Net Equity is calculated, the only potential expert would be on industry issues, and it's unclear if that will be necessary or relevant here), but if they are, their reports would be based on discovery which is unlikely to be substantially completed until the late spring. Please let us know if you are amenable to moving the date as suggested. If you have other thoughts or concerns, please let us know. Likewise, if you'd like to talk through the issue, please let me know.

Best wishes,

Oren

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**From:** Todd E. Duffy <[tduffy@duffyamedeo.com](mailto:tduffy@duffyamedeo.com)>

**Sent:** Monday, December 10, 2018 12:02 PM

**To:** Warshavsky, Oren J. <[owarshavsky@bakerlaw.com](mailto:owarshavsky@bakerlaw.com)>; Douglas A. Amedeo  
<[damedeo@duffyamedeo.com](mailto:damedeo@duffyamedeo.com)>

**Cc:** Longstaff, Carrie <[clongstaff@bakerlaw.com](mailto:clongstaff@bakerlaw.com)>; North, Geoffrey A <[gnorth@bakerlaw.com](mailto:gnorth@bakerlaw.com)>; Shapiro, Peter B. <[pshapiro@bakerlaw.com](mailto:pshapiro@bakerlaw.com)>; Christian Hausmaninger ([christian.hausmaninger@hhw.at](mailto:christian.hausmaninger@hhw.at))  
<[christian.hausmaninger@hhw.at](mailto:christian.hausmaninger@hhw.at)>

**Subject:** RE: [1] Follow-up on Media

Oren:

We are in receipt of your emails and wanted to respond to a couple of outstanding issues. I am sorry for the delay in responding to you, however, I expected that we would be waiting for Judge Maas' ruling prior to discussing a Rule 30(b)(6) Deposition. Regardless, I am now certain that

we will be offering up Ursula or Peter for the 30(b)(6) deposition given the topics you have listed in the notice. Unfortunately, neither Ursula nor Peter will be available to testify on the designated date. However, Peter, Ursula, Christian and I are available on February 6, 2019. Please let us know if this date works for you.

With respect to the documents we have previously turned over, as a result of an oversight, various documents that would have ordinarily been categorized as privileged were inadvertently produced. We are in the process of preparing a list of those documents, which we will submit to you. To be clear, Alpha Prime does not believe that these documents are in any way detrimental to its defense of the action with the Trustee, however, in order to preserve the privilege, we will submit a list of documents to you and request that you return them to us and delete them from the database to make sure that they are not turned over to a third party inadvertently. We will then revise our privilege log to include those documents. In addition, we will adjust the privilege log to add a separate column for the sender and the recipient.

While I am sure that we will each have other concerns, I believe this will respond to all of your outstanding emails to me. If I have inadvertently left out some information, please let me know.

Best regards,

Todd

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**From:** Warshavsky, Oren J. [<mailto:owarshavsky@bakerlaw.com>]  
**Sent:** Thursday, December 6, 2018 3:12 PM  
**To:** Todd E. Duffy <[tduffy@duffyamedeo.com](mailto:tduffy@duffyamedeo.com)>; Douglas A. Amedeo <[damedeo@duffyamedeo.com](mailto:damedeo@duffyamedeo.com)>  
**Cc:** Longstaff, Carrie <[clongstaff@bakerlaw.com](mailto:clongstaff@bakerlaw.com)>; North, Geoffrey A <[gnorth@bakerlaw.com](mailto:gnorth@bakerlaw.com)>; Shapiro, Peter B. <[pshapiro@bakerlaw.com](mailto:pshapiro@bakerlaw.com)>  
**Subject:** Re: Follow-up on Media

Dear Todd,

I hope you are well.

We still are awaiting your response on this.

Best wishes,

Oren

**Oren Warshavsky | Baker Hostetler**

(o) (212) 589-4624

(c) (646) 761-2992

Sent from my iPhone

On Nov 27, 2018, at 3:14 PM, Warshavsky, Oren J. <[owarshavsky@bakerlaw.com](mailto:owarshavsky@bakerlaw.com)> wrote:

Dear Todd,

I know we are still waiting on Judge Maas's ruling from the November 7, 2018 hearing. Based on the discussion, however, we believe that he will be ordering the media to be imaged for inspection. Per our discussion, here are two proposed vendors who can image your client's portable media devices and.

- 1) Integreon, located at 1450 Broadway, Suite 1100, New York, NY 10018, or
- 2) TransPerfect, located at Three Park Avenue, 39th Floor, New York, NY 10016.

We can discuss with the vendor the proposed solution for the privilege log items.

Please let us know if you have a preference, etc., as well as any questions, concerns, etc.

Obviously, the imaging should be done before the Rule 30(b)(6) deposition.

Best wishes,

Oren

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**North, Geoffrey A**

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**From:** Todd E. Duffy <tduffy@duffyamedeo.com>  
**Sent:** Tuesday, December 18, 2018 12:43 PM  
**To:** Warshavsky, Oren J.; Douglas A. Amedeo  
**Cc:** North, Geoffrey A; Beckerlegge, Robertson D.; Longstaff, Carrie; Fish, Eric R.  
**Subject:** RE: [1] Follow-up on various items

Oren:

My responses are below.

Best, Todd

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**From:** Warshavsky, Oren J. [mailto:owarshavsky@bakerlaw.com]  
**Sent:** Monday, December 17, 2018 11:38 PM  
**To:** Todd E. Duffy <tduffy@duffyamedeo.com>; Douglas A. Amedeo <damedeo@duffyamedeo.com>  
**Cc:** North, Geoffrey A <gnorth@bakerlaw.com>; Beckerlegge, Robertson D. <rbeckerlegge@bakerlaw.com>; Longstaff, Carrie <clongstaff@bakerlaw.com>; Fish, Eric R. <efish@bakerlaw.com>  
**Subject:** Follow-up on various items

Dear Todd,

I am writing to follow-up on a number of items. We are still awaiting:

(1) Alpha Prime's choice of vendor to send all media (please see Judge Maas's December 17 order);

We would suggest Rainer Ziener of KL Discovery. Contact information is below. We have already asked them to do an analysis of the metadata on DVDs where the emails reside. That may expedite the process. They have also told us that they can help us transfer the information to you while protecting privileged information.

**KLDisc**covery

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Hauptsitz: KLDisc Discovery Ontrack GmbH | Hanns-Klemm-Straße 5 | D - 71034 Böblingen  
Geschäftsführer: Peter Böhret, Christopher John Weiler, Dawn Michelle Wilson  
Amtsgericht Stuttgart: HRB 244142

(2) Alpha Prime's revision to the privilege log (described in your December 10, 2018 email);

Hoping to have this to you by early next week.

(3) (to the extent not included) Alpha Prime's updated privilege log (described in our November 2, 2018 emails);

See above.

(4) the names, addresses, and/or email addresses (if one or more are not provided) of Barbara Bättig, [hansjoerg.schmitt@ubs.com](mailto:hansjoerg.schmitt@ubs.com), and Mijam Staub-Bisang (see my November 2, 2018 email);

Dr. Mirjam Staub-Bisang  
Independent Capital Group AG  
Gottfried-Keller-Strasse 5  
CH-8001 Zurich  
[msb@independent-capital.com](mailto:msb@independent-capital.com)

Barbara Battig  
Independent Capital Group AG  
Gottfried-Keller-Strasse 5  
CH-8001 Zurich  
[bb@independent-capital.com](mailto:bb@independent-capital.com)

we have no further information on Mr. Schmitt.

(5) a response to the Trustee's letter of October 10, 2018 concerning deficiencies in Alpha Prime's interrogatory responses;

Alpha Prime disagrees that there are deficiencies in its interrogatory responses.

(6) a response to the Trustee's request concerning the extension of expert discovery; and

Alpha Prime has no objection to an extension of expert discovery.

(7) an indication of whether Alpha Prime will be submitting letters of request to the Court this week concerning Project Partners and Steurer (see our correspondence on December 13-14).

Alpha Prime will be submitting letters but not until next week.

Can we please have your responses on these items as soon as possible.

Please let me know if you'd like to discuss.

Best wishes,

Oren

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